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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

C.S., by and through his Conservator, MARY  
STRUBLE, et al.,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF EDUCATION,

Defendant.

) Case No. 08-CV-0226 W (AJB)

)  
) **DECLARATION OF SHANE BERLI**  
) **IN SUPPORT OF DEFENDANT**  
) **CALIFORNIA DEPARTMENT OF**  
) **EDUCATION'S OPPOSITION TO**  
) **PLAINTIFF'S REQUEST FOR A**  
) **TEMPORARY RESTRAINING ORDER**

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1 I, Shane Berli, declare as follows:

2 1. I have personal knowledge of the matters stated herein and, if called as a witness, I  
3 could and would competently testify thereto.

4 2. I am presently employed as an Education Consultant with the California Department of  
5 Education (CDE), Special Education Division. I am presently assigned to work in the Special  
6 Education Division. I am familiar with federal and state laws and regulations concerning the education of  
7 children with disabilities.

8 3. As part of my responsibilities, I am charged with oversight of the interagency agreement  
9 between the California Department of Education (CDE) and the Office of Administrative Hearings  
10 (OAH). My assignment includes review or reports and maintenance of pertinent information.

11 4. On April 9, 2008, at the direction of CDE Deputy General Counsel Gabriel C. Vivas I  
12 reviewed the contractually required quarterly data reports, currently provided to CDE by the Office of  
13 Administrative Hearings and, earlier, by the McGeorge School of Law's Special Education Hearing  
14 Office (SEHO).

15 5. For the period of July, 2005 through December 2007, with respect to the OAH:

16 a. There were 33 hearings in which parents prevailed.

17 b. There were 176 hearings in which districts prevailed.

18 c. There were 109 decisions split between parents and districts (beginning in Q1  
19 of 2006-07, OAH began reporting the number of issues in split decisions in which  
20 parents prevailed and in which districts prevailed.

21 d. For the period covering Quarter 1 2006-07 through Quarter 2 2007-08, there  
22 were 177 issues in which parents prevailed. For the same period, there were 304 issues  
23 in which districts prevailed.

24 e. There were 7,985 total case filings, including 1,081 matters that were pending  
25 with McGeorge and then referred to OAH for hearing.

26 6. With respect to SEHO, for the period of July, 2003 through June, 2005:

27 a. There were 35 hearings in which parents prevailed.

28 b. There were 134 hearings in which districts prevailed.

1 c. There were 83 decisions split between parents and districts.

2 d. There were 6,265 total hearing requests.

3 I declare under penalty of perjury under the laws of the State of California, that the foregoing is true  
4 and correct.

5 Executed this 11<sup>th</sup> day of April 2008, at Sacramento, California.

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9 SHANE BERLI  
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